

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA, *
*
Plaintiff, *
*
v. * CIVIL ACTION NO.: 08-636-CG-C
*
ONE 2001 CHEVROLET *
ASTRA AUTOMOBILE, *
VIN# WOLTG513215229524, *
*
Defendant. *

ORDER OF FORFEITURE

This matter is before the Court on plaintiff's Motion for Entry of Order of Forfeiture (Doc.15). For cause shown, the Motion is **GRANTED**.

On October 30, 2008, a verified complaint for forfeiture in rem was filed on behalf of the United States against the defendant vehicle, One 2001 Chevrolet Astra Automobile, VIN # WOLTG513215229524, to enforce the provisions of Title 21, United States Code, Section 881(a)(4). Process was fully issued in this action for the forfeiture of the defendant property under the complaint.

On November 3, 2008, pursuant to the warrant of arrest in rem issued by the Clerk of Court the defendant vehicle, One 2001 Chevrolet Astra Automobile, VIN # WOLTG513215229524, was arrested and seized.

On October 30, 2008, the plaintiff sent a copy of the Complaint for Civil Forfeiture in Rem and Notice of Forfeiture Action ("Notice") by Fed Ex to Josue Manuel Araiza

Chavira, Ca llave Numero 609 int, Saltillo, Coahuila, MEXICO 25000, and to Eduardo Hampl-Amaya, Escambia County Jail, 316 Court Street, Brewton, AL 36426. Said Notice advised of their right to file a claim in this Court within thirty five (35) days of the date said notice was sent, and to file a motion or an answer within 20 days thereafter, in accordance with Supplemental Rules G(4)(b)(C), G (5)(ii)(A) and G(5)(b). Potential claimants Araiza Chavira and Hampl-Amaya, had through December 4, 2008 to file a claim and 20 days thereafter to file an answer. No such claim or other responsive pleadings were filed by either potential claimant and their time to file same has expired.

To the extent Araiza Chavira and Hampl-Amaya were entitled to notice the plaintiff's efforts to provide same satisfy Supplemental Rule G(4)(iii)(A) and due process requirements.

On February 19, 2009 and continuing for 30 consecutive days thereafter, plaintiff published notice of this action on an official government website at www.forfeiture.gov, in compliance with Supplemental Rule G(4). Said notice further advised of the right of any unknown potential claimants to file a claim within 60 days of the first date of publication and a motion or answer within 20 days thereafter and of the intent of the United States to seek forfeiture and disposal of the property according to law. Any putative claimant who received notice from the internet publication had to file a claim by April 20, 2009, and a motion under Rule 12 or an answer by May 11, 2009.

All identifiable possible claimants were served. All possible claimants have had adequate notice and time in which to file a claim, motion or an answer. No such claims

or answers have been filed, and the filing deadlines, of Supplemental Rules G(4)(b)(C), G (5)(ii)(A) and G(5)(b) have expired.

With no claims, answers, or pleadings having been filed in opposition to the forfeiture of said defendant, and there being no remaining issues, final disposition of this action is appropriate at this time.

NOW, THEREFORE, the Court having considered the matter and having been fully advised in the premises, it is **ORDERED, ADJUDGED, AND DECREED** as follows:

1. This Court has jurisdiction over the subject matter, and the complaint states a claim upon which relief may be granted.
2. In accordance with the verified complaint, the defendant, One 2001 Chevrolet Astra Automobile, VIN # WOLTG513215229524, which was seized by the Bureau of Immigration and Customs Enforcement, is **ORDERED** forfeited to the United States of America for disposition according to the law, pursuant to the provisions of Title 21, United States Code, Section 881(a)(4).
3. This order resolving all matters and issues joined in this action, the Clerk of Court is directed to close this file for administrative and statistical purposes.

DONE and ORDERED this 30th day of July, 2009.

/s/ Callie V. S. Granade
CHIEF UNITED STATES DISTRICT JUDGE